

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 476.2, the Utilities Board (Board) gives notice that on January 24, 2017, the Board issued an order in Docket No. RMU-2015-0002, In re: Amendments to Telecommunications Service Regulations [199 IAC 22], “Order Adopting Rules,” that updates the Board’s rules regarding the provision of telecommunications services in Iowa and reflects comments and suggestions received from stakeholders. The adopted amendments further the Board’s objective to eliminate obsolete and unnecessary requirements, minimize the regulatory burden on the industry as a whole, and attempt to achieve a neutral regulatory application to local exchange services being provided by varying technologies.

This rule-making proceeding was initiated by an order issued on May 18, 2016, and on June 8, 2016, a Notice of Intended Action was published in the Iowa Administrative Bulletin at IAB Vol. XXXVIII, No. 25 (06/08/2016) p. 2381, as **ARC 2569C**.

Stakeholder comments were received prior to the initiation of this rule-making proceeding. Comments addressing the Notice of Intended Action were filed on or before July 1, 2016, by the following participants: Voice on the Net Coalition (VON); Mr. Dale Brodt; CenturyLink, Inc. (CenturyLink); T-Mobile Central, L.L.C. (T-Mobile); Sprint Communications Company, L.P., and Virgin Mobile USA LLP (collectively, Sprint); Windstream Iowa Communications, LLC, et al. (Windstream); MCI MCImetro Access Transmission Services LLC, d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc., d/b/a Verizon Business Services, TTI National, Inc., Verizon Long Distance LLC, and Verizon Select Services Inc. (collectively, Verizon); AT&T Corp. and Teleport Communications America, LLC (collectively, AT&T); Dex Media, Inc. (Dex Media); Iowa Communications Alliance (ICA); AARP, Inc. (AARP); Cox Iowa Telecom (Cox Iowa); and the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice.

An oral presentation was held on August 9, 2016. Additional written comments were filed after the oral presentation by AgriSync, Inc. (AgriSync); Windstream; AT&T; Mr. Michael Arndt; CenturyLink; Cox Iowa; Verizon; T-Mobile; ICA; Dex Media; and OCA. On November 1, 2016, the Board issued an “Order Requesting Additional Comments”; an additional “Order Requesting Comments” was issued on November 15, 2016. Additional written comments were filed by CTIA – The Wireless Association (CTIA); Cox Iowa; Sprint; ICA; Windstream; CenturyLink; AT&T; Verizon; VON; Dex Media; and OCA.

Based on the comments submitted in this proceeding, the Board determined that the proposed amendments to Chapter 22 should be adopted with some modifications, as described below. The Board does not address editorial or nonsubstantive changes that were adopted.

1. The Board proposed to amend or remove several terms and definitions in subrule 22.1(3) including “Average busy-season, busy-hour traffic,” “Busy-hour,” “Busy-season,” “Central office,” “Central office access line,” “Channel,” “Demarcation point,” “Extended area service,” “Held order for primary service,” “Held order for secondary service,” “Interexchange service,” “Outside plant,” “Percentage of fill,” “Primary service,” “Protector,” “Secondary service,” “Telephone station,” “Terminal equipment,” “Toll connecting trunks,” “Traffic grade of service,” and “Transitional intrastate access service,” removing the terms wherever they appear throughout this chapter. The Board noted that these definitions are no longer technology-neutral.

Generally, the commenters supported the Board’s proposal to eliminate the terms and definitions from this subrule as proposed, with certain exceptions. After reviewing the comments, the Board adopted the above-described revisions to subrule 22.1(3) as proposed.

As part of the Board’s May 18, 2016, order commencing this rule making, the Board proposed to amend paragraph 22.1(6)“a” by adding telecommunications service provided by Voice over Internet Protocol (VoIP) technology to the list of services that have been deregulated by the Board. The Board

issued an additional order on June 8, 2016, seeking comments on a variation to that proposal wherein the Board suggested a change that specified deregulation of retail VoIP services only.

Several commenters asserted that VoIP's integrated capabilities and features make VoIP an information service under 47 U.S.C. § 153(24) that is not subject to state regulation and as such the Board cannot deregulate a service that it cannot regulate in the first place. These commenters proposed changes to the Board's definition of "Telephone utility" and the addition of definitions for "Internet protocol-enabled service" and "Voice over Internet protocol service" to reflect that VoIP is an information service and is not subject to the Board's regulatory authority.

Other commenters asserted that while the Federal Communications Commission (FCC) has identified non-nomadic VoIP as an information service for the application of certain FCC rules, the FCC has not yet issued a comprehensive determination of whether non-nomadic VoIP is considered a telecommunications service or an information service.

The Board agreed with some commenters that it should adopt the suggested VoIP-related changes to the definition of "Telephone utility" and the definition of "Internet protocol-enabled service" on a prospective basis. In addition, the Board adopted the suggested definition of "Voice over Internet protocol service" with modifications intended to avoid technology-specific distinctions and adopted a definition of "Information services." The Board also modified the definition of "Wholesale services" to provide additional clarification that the Board intends to continue its regulatory authority over all wholesale services, including VoIP services.

Since the Board has revised the definitions as described above, the Board did not adopt the proposed amendment to paragraph 22.1(6)"a" that would have added a subparagraph (15) deregulating telecommunications services provided by VoIP.

2. The Board proposed to delete subparagraph 22.2(6)"a"(4) regarding outage information that is to be filed with the Board. Subparagraph 22.2(6)"a"(4) provides that each utility is required to file the name, title, address, and telephone number of the person authorized to respond to communication from the Board in connection with outages, pursuant to paragraph 22.2(8)"d"; however, the outage reporting requirements in subrule 22.2(8) were rescinded in 2010, which makes subparagraph 22.2(6)"a"(4) obsolete.

OCA stated that it has no objection to the elimination of subparagraph 22.2(6)"a"(4), but noted that the Board should undertake a comprehensive review of outage notification requirements to ensure that state and local emergency responders can be alerted if a significant number of Iowa residents in an area lose communication services. The Board has considered a comprehensive review of outages and outage notification in its review of rule 199—22.6(476) and is comfortable eliminating the requirement in 22.2(6)"a"(4) that carriers file information of contact persons for communications regarding outages. The Board adopted the proposed rescission of paragraph 22.2(6)"a"(4).

The Board also proposed to eliminate the requirement in paragraph 22.2(6)"b" that carriers file with the Board a copy of any new directories the carriers distribute to customers. Several comments were received from participants regarding the continued distribution of directories as that issue relates to subrule 22.3(1). However, no comments were received regarding the elimination of this particular requirement.

Since no comments were received regarding the elimination of this requirement, and since a similar issue is addressed in the Board's discussion of subrule 22.3(1), the Board rescinded paragraph 22.2(6)"b" as proposed.

3. The Board proposed to amend rule 199—22.3(476) regarding general service requirements by rescinding subrules 22.3(1), Directories; 22.3(2), Service check; 22.3(5), Pay telephone services and facilities; and 22.3(6), Extension plan; and by amending subrule 22.3(11), Assignment of numbers.

With respect to subrule 22.3(1) regarding directories, the Board received several comments suggesting that the transition to other technologies for local exchange service, namely, wireless technology, has impacted the public's need for printed directories. However, the Board also recognizes that rescinding subrule 22.3(1), which requires carriers to provide printed directories, may create unintended issues for customers who do not have ready access to broadband or Internet services. The Board attempted to address this problem by adding paragraph 22.4(1)"c" and requiring carriers that eliminate printed

directories to develop a plan to help requesting customers transition from printed directories and to file that plan with the Board for information purposes.

The Board agreed with some of the commenters that requiring the development of a transition plan for carriers moving away from printed directories and filing that plan with the Board may not be an appropriate solution to ensuring that each Iowa customer who wants a printed directory can get one. Proposed paragraph 22.4(1)“c” did not make certain that a transition from widespread distribution of printed directories will continue to allow all Iowans to connect to and receive value from the public network. The Board found that since Dex Media is providing printed directories to customers free of charge upon request in other states, a rule requiring that type of transition for Iowa customers is appropriate. This change relieves the mandatory requirement of providing a printed directory to all customers, yet allows for the safety net necessary for some Iowans to obtain beneficial access to the public network.

The Board adopted the proposed rescission of subrule 22.3(1) regarding directories. The Board adopted a revised paragraph 22.4(1)“c” to require carriers transitioning from printed directories to inform customers annually that they can still receive a current printed directory free of charge upon request by calling a toll-free number.

The Board also adopted the other proposed amendments to rule 199—22.3(476), including the requirement in subrule 22.3(11) (renumbered as 22.3(2)) to assign telephone numbers in compliance with FCC rules.

4. The Board proposed amending subrule 22.4(1) by modifying the language in subparagraph 22.4(1)“a”(2) and adding subparagraphs 22.4(1)“a”(4) and (5) that correspond to the changes proposed to rule 199—22.6(476). The Board proposed to continue requiring carriers to track service issues as originally required by rule 199—22.6(476), and those tracking requirements have been adopted in the subparagraphs 22.4(1)“a”(4) and (5).

In addition, the Board proposed to amend subrule 22.4(1) by adding a new paragraph 22.4(1)“c,” which was adopted with revisions as described above.

5. The Board proposed amending the introductory paragraph of subrule 22.4(2) and paragraph 22.4(2)“a” by adding language to clarify that, pursuant to federal regulations in 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate Lifeline service to qualifying customers. The Board also proposed a change to paragraph 22.4(2)“b” to reflect an interest rate of 7.5 percent per annum, compounded annually, to maintain consistency across all utility industries, instead of the 4.0 percent in the current paragraph.

Comments were received from CenturyLink and ICA regarding the proposed change to paragraph 22.4(2)“b” regarding interest charged on customer deposits. Both commenters indicated that the Board’s proposal to increase interest charged on customer deposits from 4.0 percent to 7.5 percent is not appropriate. However, CenturyLink argued that the interest rate should remain at 4.0 percent while ICA argued that the rate should be based on market conditions. CenturyLink noted that the established rate is higher than established market rates.

Based upon the written comments and comments made at the oral presentation, the Board found that adopting the proposed 7.5 percent interest rate is not appropriate at this time and did not change the current 4.0 percent interest rate.

6. The Board proposed to rescind rule 199—22.5(476), which identifies specific adequacy standards relating to the provision of telecommunications services. These standards relate primarily to legacy landline technologies. The subrules in rule 199—22.5(476) specify technical service requirements like dial tone availability and adequacy of interoffice trunks and do not appear to be necessary or relevant any longer. OCA was the only participant that provided written comments on the proposed rescission of rule 199—22.5(476).

The Board agreed with the majority of participants that these telephone utility standards can be eliminated. Rescinding rule 199—22.5(476) is a move away from the specific requirements associated with legacy landline technologies to general standards that are technology-neutral. The Board rescinded rule 199—22.5(476) as proposed.

7. The Board proposed to eliminate certain requirements in rule 199—22.6(476), which is the rule that identifies basic standards of service quality, including standards relating to service connections, held orders, service interruptions, emergency operations, and business offices. Specifically, the Board proposed to amend rule 199—22.6(476) to eliminate the requirement to measure service connection, held order, and service interruption performance. However, the Board also proposed to continue to require carriers providing local exchange voice services to track service connections, service interruptions, out-of-service trouble reports, and held orders, but moved those tracking requirements to subrule 22.4(1).

Subrule 22.6(1) establishes metrics for the connection of voice services after a customer has requested those services. Subrule 22.6(2) establishes record-keeping requirements and an alternative service obligation for held orders. A “held order” is considered to be the time when a local exchange utility that uses its own facilities to provide service cannot supply service to prospective customers within five business days. The Board proposed to eliminate the metrics in subrule 22.6(1) and require companies to make all reasonable efforts to maintain a five-business-day standard for the connection of voice service. The Board also proposed to delete the term “primary service” from the subrules in rule 199—22.6(476) because the term dates back to a time when it was common for residential customers to subscribe to multiple landlines, such as a main voice line, a teen line, a fax line, a dial-up Internet line, and the like. The “primary” and “secondary” service definitions provided a distinction in service obligations that is no longer relevant in today’s changing marketplace. Comments were received from OCA and CenturyLink regarding these proposed changes.

The Board recognizes that the requirements in subrule 22.6(1) regarding service connections and in subrule 22.6(2) regarding held orders are not competitively neutral as they only apply to utilities that use their own facilities to provide service. A reseller of services or a carrier leasing facilities from an incumbent local exchange carrier (ILEC) to provide service is not subject to these requirements. Similarly, the municipal telephone companies in Iowa are exempt from subrule 22.6(1) as they are facilities-based but are not required to extend their facilities to every location in the exchanges where they are certificated. The municipal telephone companies typically extend facilities only in the municipality where they operate, but the ILEC serving an exchange must provide facilities to every premises in the entire exchange where the municipality is located. The proposed amendments to subrules 22.6(1) and 22.6(2) attempted to address that discrepancy by striking references to facilities and making the rule applicable to all local exchange voice service technologies.

CenturyLink suggested that the Board eliminate all rules setting expectations for service connections since the telephone utilities have an incentive in the current competitive market to provide service as quickly as possible or lose those customers to competition. The Board understands CenturyLink’s position but also shares OCA’s concerns that eliminating the metrics may have the unintended consequence of creating less of an incentive to invest necessary resources throughout an exchange and that the Board may not have any measurement tools in place by which to hold companies accountable for excessively long service connections or held orders.

After considering the comments, the Board adopted the proposed amendments to subrules 22.6(1) and 22.6(2) with modifications. The Board modified the amendments to subrule 22.6(1) by retaining the requirement that customers be provided service within 30 business days of a request for service or the customer-requested date, whichever is later, in current paragraph 22.6(1)“c.” The retention of this metric recognizes the marketplace incentives to quickly establish service and also addresses OCA’s concerns that the Board should have a minimum measurement tool in place by which to hold companies accountable for excessively long delays in service connections.

With respect to subrule 22.6(2), the Board’s proposal to amend this subrule was intended to address the competitive disparity among carriers. CenturyLink and OCA provided comments regarding 22.6(1), but not 22.6(2). However, the Board has identified additional grammatical changes that should be made to the rule to make it more competitively neutral. The Board adopted the amendments to 22.6(2) as proposed, with minor grammatical changes.

The Board proposed to rescind the measurements for restoration of service following a service interruption identified in subrules 22.6(3) and 22.6(4). As mentioned above, the Board also proposed

to continue requiring carriers to track service interruptions and held orders but moved those tracking requirements to subrule 22.4(1), where additional reporting and tracking requirements are identified. The Board received comments from Mr. Brodt, OCA, AARP, Mr. Arndt, and CenturyLink regarding this proposal.

The proposed amendments to subrules 22.6(3) and 22.6(4) to eliminate the requirements were intended to elicit comments regarding the notion that, in today's current competitive market, telephone utilities have every incentive to provide good service or they could lose their customers to competition; the penalty of losing customers due to poor service should be enough of an incentive for providers of voice services to aspire to adequately maintain and service their facilities while striving to improve the customer experience.

The commenters, however, raised valid concerns throughout this rule making regarding the significant personal effect of extended telecommunications service outages. The commenters pointed out that there are still some parts of Iowa where local exchange competition is not robust and the availability of other, unregulated voice services may not be so widespread. According to the commenters, customers continue to need some level of protection from extended service outages.

At the August 9, 2016, comment proceeding, a discussion took place between the Board and participants regarding subrule 22.6(3) and the provision of alternative service for extended service interruptions. Based on the discussion and written comments that followed, the Board sought comments in its November 1, 2016, order, regarding additional rule language that added an alternative service requirement for service interruptions exceeding 72 hours. The Board indicated that the proposed language would allow customers to have access to emergency services when voice service could not be restored within 72 hours. Specifically, the Board proposed that customers be provided wireless telephone service as an alternative form of service, unless the customer agrees otherwise, or be provided a company credit to offset the customer's expense for another alternative.

Generally, the comments received in response to the Board's November 1, 2016, order indicated that requiring that customers be provided a wireless telephone service as an alternative form of service for extended outages is not a practical solution. Rather, commenters offered the alternative solution of reimbursing customers for extended service outages (exceeding 72 hours) as it can be followed by all providers and will allow customers to use an alternative service of their own choosing.

The Board adopted modifications to the proposed amendments to subrule 22.6(3) by retaining the language in current subparagraph 22.6(3)"a"(3) as a new paragraph 22.6(3)"d." The Board also modified the proposed amendments by retaining the current language in paragraph 22.6(3)"e" (relettered as paragraph 22.6(3)"b") but changing the record-keeping requirement to two years from the current six-year requirement.

Paragraph 22.6(3)"i" currently provides requirements regarding bill adjustments for customers who have had service interruptions in excess of 24 hours. The Board proposed to rescind paragraph 22.6(3)"i." After considering the comments regarding the proposed rescission, the Board retained the paragraph and relettered it as paragraph 22.6(3)"c"; maintaining these requirements will protect Iowa customers from extended service interruptions and provide incentive for the utility to restore service as quickly as possible. In addition, the Board agreed with the suggested reimbursement solution discussed above and adopted language in relettered paragraph 22.6(3)"d" to reflect that proposal.

The Board rescinded the requirements in subrule 22.6(4) as proposed.

Subrule 22.6(5) identifies requirements for carriers to follow in emergency situations. ICA recommended that this subrule be amended to accommodate the FCC's newly adopted emergency operation rules in 47 CFR § 12.5. The Board proposed to eliminate paragraphs 22.6(5)"b" and "c" and amend paragraph 22.6(5)"d" since the requirements identified in these paragraphs are required by the FCC, among other requirements not identified.

The proposed amendment to paragraph 22.6(5)"d," which requires local exchange utilities to maintain current plans for emergency operations, would clarify that these plans should be made available for Board inspection upon request. OCA commented on the proposed amendments.

The FCC issued a report on August 5, 2015, which adopted new backup-power rules pertaining to any residential landline customer, including customers served by newer technologies that are not

line-powered from the central office. During a power outage, traditional copper-based telephone technology functions using battery power in the central office, but newer voice technologies that are not line-powered will not function during a power outage without other equipment. This affects all services, including access to emergency 911 (E911) services. Under the new FCC rules, service providers must disclose the power outage limitations at the point of sale and offer the subscriber the option to purchase on-site backup-power systems.

The FCC's rules require the same emergency operations provisions as those identified in subrule 22.6(5) and more. The Board adopted the amendments to subrule 22.6(5) as they were proposed.

Subrule 22.6(6) establishes requirements for local exchange carriers with respect to the location and operation of their business offices. The Board proposed to rescind this subrule. This subrule relates specifically to a "brick and mortar" business model and does not support online business offices or call centers. Under current marketplace conditions, it is unclear whether all of the telecommunications carriers in Iowa can comply with the current rule. OCA's comment did not provide any specific guidance as to what minimum requirements can be met by all Iowa providers. The Board found that this subrule is no longer applicable under current market conditions. Therefore, the Board adopted the rescission of this subrule as proposed.

8. The Board proposed nonsubstantive style changes to subrule 22.7(1), the subject matter of which relates to protective measures. In addition, the Board proposed to rescind subrule 22.7(2), which requires telecommunications utilities to adopt and execute a safety program for employee safety. The Board stated its belief that the requirement in subrule 22.7(2) is no longer necessary given that employee safety is more thoroughly regulated through federal regulations.

Since no comments were received regarding these proposed amendments, the Board adopted the style changes to subrule 22.7(1) and the rescission of subrule 22.7(2) as proposed.

9. The Board proposed to rescind rule 199—22.8(476), which establishes procedures for interexchange trunking service surveys for extended area services (EAS). The procedures established in rule 199—22.8(476) allow a utility to expand a local calling area and increase the associated local rates of the customers residing in the service area where the local calling would be expanded. CenturyLink has argued that the EAS procedures rule is no longer necessary due to rate deregulation and competition. Without these EAS procedures, utilities would be free to unilaterally expand local calling areas and adjust rates. The Board agrees that these procedures are out of date and are no longer necessary. The Board rescinded rule 199—22.8(476) as proposed. However, the Board clarifies its intent to grandfather existing EAS and EAS-type arrangements going forward.

10. Since no comments were received regarding the proposed rescission of rule 199—22.9(476), the Board adopted the rescission as proposed.

11. Since no comments were received regarding the proposed rescission of rule 199—22.10(476), the Board adopted the rescission as proposed.

12. Since no comments were received regarding the proposed rescission of rule 199—22.11(476), the Board adopted the rescission as proposed.

13. Subparagraph 22.14(2)"d"(1) requires carriers to incorporate a carrier common line charge (CCLC) in their intrastate access service tariffs. The Board proposed to clarify subparagraph 22.14(2)"d"(1) by adding the term "originating" to numbered paragraph "1." In addition, the Board proposed to strike numbered paragraph "2" in subparagraph 22.14(2)"d"(1) to further aid in clarifying the Board's intent regarding the application of an originating CCLC. Comments were received from CenturyLink, Sprint, ICA, Windstream, Verizon, and AT&T.

The Board's intent with respect to this requirement remains unchanged. While the FCC is phasing out terminating access charges, originating access charges are still permitted. Since the FCC is still reviewing the future of access charges, the Board did not make any substantive changes to the CCLC requirement at this time. However, the Board found that it is appropriate to modify the subparagraph to provide clarification.

The Board considered all of the comments regarding the proposed amendments to this subparagraph and modified the subparagraph in order to make it clear that the Board's prior actions with respect to this subparagraph were not intended to extend to CLECs that opted to use their own access tariff.

The Board did not strike 22.14(2)“d”(1)“2” and added language to clarify that competitive local exchange carriers concurring in the ICA access tariff shall deduct the originating and any remaining terminating CCLC from their intrastate access service tariffs.

14. Since no comments were received regarding the proposed amendments to paragraph 22.14(4)“a,” subrule 22.17(1), and subrule 22.20(1), the Board adopted the proposed amendments.

15. Subrule 22.20(2) identifies the procedures used when revising exchange maps and modifying certificates. There are several references in this subrule to the requirement of mailing objections to the Board. However, the Board now employs an electronic filing system, the process for which is outlined in Chapter 14. The Board adopted the proposed amendments to subrule 22.20(2) to include the option of electronically filing objections with the Board in addition to mailing those objections.

No comments were received regarding this specific change. However, ICA submitted comments regarding identifying service territories.

With respect to ICA’s comments regarding the identification of a carrier’s service area, the Board acknowledges that additional steps have been added to the process for identifying a specific carrier’s service area since the removal of the requirement to file local exchange tariffs with the Board in 2014. One of the statutory changes was the elimination of retail tariff requirements for local exchange carriers.

While new or updated retail tariffs are no longer filed with the Board, the tariffs associated with certificated carriers prior to the statutory changes are still available through the Board’s electronic filing system. If a carrier has not updated or modified its service area since that time, the last tariff filed by that carrier identifies its current service area. Certificates issued after the statutory changes in 2014 identify the initial service area where a carrier is providing service. To learn if a carrier has modified or expanded its service areas, interested persons now have to search the Board’s electronic filing system for an “ES” docket assigned to a particular carrier, as established in subrule 22.20(4).

This review process does not require a change to the Board’s rules. The rules set forth the certification process and the process for modifying or expanding a service area. Board staff is available to assist interested persons in locating a particular carrier’s authorized service area.

16. Paragraph 22.20(3)“a” identifies the appropriate scale for paper boundary maps and boundary maps filed in an electronic format. The Board intends to have all map filings eventually filed electronically, and the proposed amendment to this paragraph requires that revisions to exchange boundary maps be filed in an electronic format.

Since no comments were received regarding this proposed amendment, the Board adopted the amendment to this paragraph as proposed.

17. Since no comments were received regarding the rescission of rule 199—22.21(476), the Board adopted the rescission as proposed.

18. Subrule 22.23(2) prohibits unauthorized changes in telecommunications services, such as slamming or cramming. The subrule also identifies specific procedures that carriers must follow in order to switch services for a customer. The Board proposed to amend this subrule to match a recent FCC update adding references to electronic mail and Web pages.

No comments were received regarding the Board’s proposed amendments to subrule 22.23(2). However, comments regarding other provisions of the subrule were received from Verizon, OCA, and AARP.

In large part, rule 199—22.23(476) mirrors the FCC’s rules prohibiting unauthorized changes in service found in 47 CFR §§ 64.1100, et al. As a general practice, the Board does not adopt rules that restate federal requirements. In the case of this particular rule, however, Iowa Code section 476.103 requires that the Board adopt rules that prohibit unauthorized changes in telecommunications services and requires that the rules be consistent with the FCC regulations.

The Board understands Verizon’s concerns and agrees that in situations where a complaint against a company for an unauthorized change in service dates back ten years, it is difficult for the company to address the complaint. The current rule requires companies to maintain records regarding changes in service for two years. The Board does not believe that a time limit for filing a complaint should exceed the company’s requirement to maintain records. Therefore, the Board will continue to require companies to maintain records for two years but has added an amendment to place a time limit of two years on

complaints regarding unauthorized changes in service brought under this rule. While this change extends a company's duty to maintain records, it also eliminates a situation in which a company is defending against an unauthorized change in service without any records.

The Board has also amended subrule 22.23(2) to include language from 47 CFR § 64.1130(a) that allows carriers to obtain a signed letter of agency to demonstrate authorization or verification of a request for service change.

19. The Board proposed to amend paragraph 22.23(5)“c” to change the reference of credits to the state's general fund to credits to the revolving fund. Since no comments were filed regarding this proposed amendment, the Board adopted the amendment to paragraph 22.23(5)“c” as proposed.

The revisions to the Board rules in Chapter 22 are adopted based upon an analysis of the comments made regarding the amendments that were proposed in the Notice of Intended Action and Board orders. The adopted amendments that will become effective reflect the renumbering of the Board's rules to address the changes that have been adopted.

After analysis and review of this rule making, the Board has concluded that the amendments, as adopted, will not have a detrimental effect on jobs in Iowa.

These amendments are intended to implement Iowa Code sections 17A.4 and 476.2.

These amendments will become effective on March 22, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 22.1(3) as follows:

22.1(3) Definitions. For administration and interpretation of these rules, the following words and terms shall have the meaning indicated below:

“*Active account*” refers to a customer who is currently receiving telephone service, or one whose service has been temporarily disconnected (vacation, nonpayment, storm damage, etc.).

“*Adjacent exchange service*” is local telephone service, including extended area service, provided to a customer via direct facility connection to an exchange contiguous to the exchange in which the customer is located.

~~“Average busy season, busy-hour traffic” means the average traffic volume for the busy season, busy hours.~~

“*Board*” means the Iowa utilities board.

“*Business service*” means the service furnished to customers where the use is substantially of a business, professional, institutional, or occupational nature, rather than a social and domestic nature.

~~“Busy-hour” means the two consecutive half hours during which the greatest volume of traffic is handled in the office.~~

~~“Busy season” means that period of the year during which the greatest volume of traffic is handled in the office.~~

“*Calls*” means telephone messages attempted by customers or users.

~~“Central office” means a unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building.~~

~~“Central office access line” means a circuit extending from the central office equipment to the demarcation point.~~

~~“Channel” means an electrical path suitable for the transmission of communications.~~

“*Check of service*” or “*service check*” means an examination, test or other method utilized to determine the condition of customer-provided terminal equipment and existing or new inside station wiring.

“*Class of service*” means the various categories of service generally available to customers, such as business or residence.

“*Competitive Local Exchange Carrier local exchange carrier*” or “*CLEC*” means a utility, other than an incumbent local exchange carrier, that provides local exchange service pursuant to an authorized certificate of public convenience and necessity.

“Customer” means any person, firm, association, corporation, agency of the federal, state or local government, or legal entity responsible by law for payment for communication service from the telephone utility.

“Customer provision” means customer purchase or lease of terminal equipment or inside station wiring from the telephone utility or from any other supplier.

“~~Delinquent or delinquency~~” or “delinquency” means an account for which a bill or payment agreement for regulated services or equipment has not been paid in full on or before the last day for timely payment.

“Demarcation point” means ~~the point of connection provided and maintained by the telephone utility to which inside station wiring becomes dedicated to an individual building or facility. For an individual dwelling, this point of connection will generally be immediately adjacent to, or within 12 inches of, the protector or the dwelling side of the protector. The drop and block, including the protector, will continue to be provided by and remain the property of the telephone utility. In the instance where a physical protector does not exist at the point of cable entrance into the building or facility, the demarcation point is defined as the entrance point of the cable into the building or facility the physical point at which a utility’s public network ends and the customer’s personal network begins. The demarcation point defines where the utility’s responsibility for maintenance ends and the consumer’s responsibility begins.~~

“Disconnect” means the disabling of circuitry preventing both outgoing and incoming communications.

“Due date” means the last day for payment without unpaid amounts being subject to a late payment charge or additional collection efforts.

“Exchange” means a unit established by a telephone utility for the administration of communication services.

“Exchange service” means communication service furnished by means of exchange plant and facilities.

“Exchange service area” or “exchange area” means the general area in which the telephone utility holds itself out to furnish exchange telephone service.

~~“Extended area service” means telephone service, furnished at flat rates, between end user customers located within an exchange area and all of the end user customers of an additional exchange area. Extended area service is only for calls both originating and terminating within the defined extended area.~~

“Foreign exchange service” means exchange service furnished a customer from an exchange other than the exchange regularly serving the area in which the customer is located.

“Former account” refers to a customer whose service has been permanently disconnected, and the final bill either has been paid or has been written off to the reserve for uncollectible accounts.

“~~Held order for primary service~~” means an application for establishment of primary service to a local exchange utility using its existing facilities to provide service not filled within five business days of the customer-requested date, or within 15 business days of the customer-requested date, where no facilities are available. ~~During the period a local exchange utility provides equivalent alternative service, the customer’s order for primary service shall not be considered a held order.~~

~~“Held order for secondary service” means an application for establishment of secondary service to a local exchange utility using its facilities to provide service not filled within 30 business days or the customer-requested date, whichever is later.~~

“High-volume access service (HVAS)” or “HVAS” is any service that results in an increase in total billings for intrastate exchange access for a local exchange utility in excess of 100 percent in less than six months. By way of illustration and not limitation, HVAS typically results in significant increases in interexchange call volumes and can include chat lines, conference bridges, call center operations, help desk provisioning, or similar operations. These services may be advertised to consumers as being free or for the cost of a long-distance call. The call service operators often provide marketing activities for HVAS in exchange for direct payments, revenue sharing, concessions, or commissions from local service providers.

"Inactive account" refers to a customer whose service has been permanently disconnected and whose account has not been settled either by payment or refund.

"Incumbent Local Exchange Carrier local exchange carrier" or *"ILEC"* means a utility, or successor to such utility, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps approved by the board as of September 30, 1992.

"Information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

"Interexchange service" is the provision of intrastate telecommunications services and facilities between local exchanges, and does not include EAS.

"Interexchange utility" means a utility, a resale carrier or other entity that provides intrastate telecommunications services and facilities between exchanges within Iowa, without regard to how such traffic is carried. A local exchange utility that provides exchange service may also be considered an interexchange utility.

"InterLATA toll service" means toll service that originates and terminates between local access transport areas.

"Internet protocol-enabled service" means any service, capability, functionality, or application that uses Internet protocol or any successor protocol and enables an end user to send or receive voice, data, or video communication in Internet protocol format or a successor format.

"IntraLATA toll service" means toll service that originates and terminates within the same local access transport area.

"Intrastate access services" are services of telephone utilities which provide the capability to deliver intrastate telecommunications services which originate from end-users to interexchange utilities and the capability to deliver intrastate telecommunications services from interexchange utilities to end-users.

"Local exchange service" means telephone service furnished between customers or users located within an exchange area.

"Local exchange utility" means a telephone utility that provides local exchange service under an authorized certificate of public convenience and necessity. The utility may also provide other services and facilities such as access services.

"Message" means a completed telephone call by a customer or user.

"Outside plant" means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, and private rights-of-way between customer locations, central offices or the central office and customer location.

"Percentage-of-fill" means the ratio of circuits and equipment in use to the total available multiplied by 100.

"Premises" means the space occupied by an individual customer in a building, in adjoining buildings occupied entirely by that customer, or on contiguous property occupied by the customer separated only by a public thoroughfare, a railroad right-of-way, or a natural barrier.

"Primary service" means the initial access to the public switched network.

"Protector" means a utility-owned electrical device located in the central office, at a customer's premises or anywhere along any telephone facilities which protects both the telephone utility's and the customer's property and facilities from over-voltage and over-current by shunting such excessive voltage and currents to ground.

"Rates" shall mean amounts billed to customers for local exchange service and alternative operator services.

"Retail services" means those communications services furnished by a telephone utility directly to end-user customers. For an alternative operator services company utility, the terms and conditions of its retail services are addressed in an approved intrastate tariff. For a local exchange utility, the terms and

conditions of its retail services are typically addressed in a retail catalog or other format, which is not subject to board approval.

~~“Secondary service” means services or facilities not classified as primary service.~~

~~“Suspend Suspension” means temporary disconnection or impairment of service which shall disable either outgoing or incoming communications, or both.~~

~~“Switching service” means switching performed for service lines.~~

~~“Tariff” means the entire body of rates, classifications, rules, procedures, policies, etc., adopted and filed with the board by a local exchange utility for wholesale services, not governed by an interconnection agreement or commercial agreement, or by an alternative operator services company for retail services, in fulfilling its role of furnishing communications services.~~

~~“Telephone station” means the telephone instrument connected to the network.~~

~~“Telephone utility” or “utility” means any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing communications service to the public for compensation, but does not include a provider of Internet protocol-enabled service or voice over Internet protocol service with regard to the provider’s provision of such service to retail customers. The board shall not directly or indirectly regulate the entry, rates, terms, or conditions for Internet protocol-enabled service or voice over Internet protocol service, but voice over Internet protocol service may be subject to fees subsequently established by state or federal statute, rule, or requirement such as 911 or dual party relay service.~~

~~“Terminal equipment” means all telephone instruments, including pay telephone equipment, the common equipment of large and small key and PBX systems and other devices and apparatus, and associated wirings, which are intended to be connected electrically, acoustically or inductively to the telecommunication system of the telephone utility.~~

~~“Timely payment” is a payment on a customer’s account made on or before the due date shown: (1) On a current bill for rates and charges, or (2) by an agreement between the customer and a utility for a series of partial payments to settle a delinquent account.~~

~~“Toll connecting trunks” means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.~~

~~“Toll message” means a message made between different exchange areas for which a charge is made, excluding message rate service charges.~~

~~“Traffic” means telephone call volume, based on number and duration of calls.~~

~~“Traffic grade of service” means the decimal fraction representing the probability of a call being blocked by an all trunks busy condition during the average busy season, busy hour.~~

~~“Transitional intrastate access service” means annual reductions affecting terminating end office access service that was subject to intrastate access rates as of December 31, 2011; terminating tandem-switched transport access service subject to intrastate access rates as of December 31, 2011; and originating and terminating dedicated transport access service subject to intrastate access rates as of December 31, 2011.~~

~~“Trouble report” means any call or written statement from a customer or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operation of telephone facilities.~~

~~“Voice over Internet protocol service” means an Internet protocol-enabled service that facilitates real time, two-way voice communication that originates from, or terminates at, a user’s location and permits the user to receive a call that originates from the public switched network and to terminate a call on the public switched telephone network.~~

~~“Wholesale services” means those communications services furnished by one telephone utility to another provider of communications services. The terms and conditions of wholesale services may be addressed in a telephone utility’s approved intrastate access tariff, local interconnection tariff, interconnection agreement reached under Sections 251 and 252 of the federal Telecommunications Act, or in a commercial agreement reached between the providers. Nothing in this chapter shall affect, limit, modify, or expand an entity’s obligations under Sections 251 and 252 of the federal Telecommunications Act; any board authority over wholesale telecommunications rates, services,~~

agreements, interconnection, providers, or tariffs; or any board authority addressing or affecting the resolution of disputes regarding intercarrier compensation.

ITEM 2. Amend subrule 22.1(4) as follows:

22.1(4) Abbreviations.

AOS—Alternative Operator Services

EAS—Extended Area Service

PBX—Private Branch Exchange

ITEM 3. Amend subrule 22.2(6) as follows:

22.2(6) Information to be filed with the board.

~~a.~~ Each utility shall file with the board the name, title, address, and telephone number of the person who is authorized to receive, act upon, and respond to communications from the board in connection with the following:

(1) a. General management duties.

(2) b. Customer relations (complaints).

(3) c. Engineering operations.

(4) ~~Outages, including those occurring during nonoffice hours, pursuant to paragraph 22.2(8)“d.”~~

~~b.~~ A copy of a new directory being distributed to customers.

ITEM 4. Amend rule 199—22.3(476) as follows:

199—22.3(476) General service requirements. The requirements of this rule do not apply to intrastate access service.

22.3(1) Directories. ~~All directories published after the effective date of these rules shall conform to the following:~~

~~a.~~ Telephone directories shall be published not less than annually, except for good cause shown, listing the name, address and telephone number of all customers unless otherwise requested by the customer. A local exchange carrier serving an exchange may choose not to publish a telephone directory if the local exchange carrier makes arrangements for publication in a directory that is commonly available in the local exchange in question.

~~b.~~ Upon issuance, a copy of each directory shall be distributed without charge to all of the utility's customers locally served by that directory.

~~c.~~ The year of issue or effective dates shall appear on the front cover and, if space permits, on the binding. Information pertaining to emergency calls, such as for the police and fire departments, for each exchange listed in the directory shall appear conspicuously on the front side of the first page of the directory. The directory shall also show a summary of the names of listed exchanges.

~~d.~~ The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone utility business offices as may be appropriate to the area served by the directory. A statement shall be included that the utility will verify the condition of a line if requested by a customer and whether any charge will apply. The directory must indicate how to order 900 and 976 blocking and indicate that the first block is without charge. The directory shall contain descriptions of all current N11 services.

~~e.~~ Directory assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing information service.

~~f.~~ In the event of an error or omission in the name or number listing of a customer, that customer's correct name and telephone number shall be furnished to the calling party either upon request to or interception by the telephone utility.

~~g.~~ When additions or changes in plant, records, or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

~~h.~~ For any exchange in which an extended area call can terminate, the terminating exchange telephone utility shall provide all recently compiled directory listings, except listings for nonpublished

or nonlisted customers, to the utility from which the extended area call originates. The telephone utility shall provide the directory listing without charge, within 30 days of receipt of a written request for those listings.

~~i. In addition to the serving exchange directory listing required under 22.3(1)“a,” upon the customer’s request, an Iowa customer served by an out-of-state exchange shall be included in the directory list of one contiguous Iowa exchange of the customer’s choice. Any charge for such Iowa listing shall be paid by the serving exchange.~~

~~22.3(2) Service check. Upon the individual customer’s request, each telephone utility shall perform a service checkup to the demarcation point, without charge to the customer.~~

~~22.3(3) Class of service. Rescinded IAB 12/21/05, effective 1/25/06.~~

~~22.3(4) Compliance. Rescinded IAB 12/21/05, effective 1/25/06.~~

~~22.3(5) Pay telephone services and facilities. All telephone utilities shall make available to customers provisions for the interconnection of pay telephone equipment. A separate access line shall not be required for pay telephone equipment.~~

~~22.3(6) Extension plan. Each utility shall develop a plan, acceptable to the board, for the extensions of facilities, where they are in excess of those included in the regular rates for service and for which the customer shall be required to pay all or part of the cost. The cost required to be paid by the customer shall be the revenue received by the telephone utility for the extension of plant and shall include a grossed-up amount for the income tax effect of such revenue. The amount of tax shall be reduced by the present value of the tax benefits to be obtained by depreciating the property in determining the tax liability. This plan must be related to the investment that prudently can be made for the probable revenue. No utility shall make or refuse to make any extensions except as permitted by the approved extension plan.~~

~~22.3(7) Reserved.~~

~~22.3(8) Traffic rules. Rescinded IAB 12/21/05, effective 1/25/06.~~

~~22.3(9) “Directory assistance.” Rescinded IAB 12/21/05, effective 1/25/06.~~

~~22.3(10) 22.3(1) Nonworking numbers. All nonworking numbers shall be placed upon an adequate intercept where existing equipment allows.~~

~~22.3(11) 22.3(2) Assignment of numbers. Numbers shall be assigned in accordance with applicable Federal Communications Commission rules.~~

~~a. No telephone number shall be reassigned to a different customer within 60 days from the date of permanent disconnect.~~

~~b. For customers assigned a new number within the exchange, the former working number intercept shall provide the new number to a calling party for not less than 60 days or until the issuance of a new directory. No new number information shall be provided if the customer so requests.~~

~~EXCEPTION: When a change in number is required by a telephone utility due to nonpayment of yellow page advertising, the intercept is not required to volunteer the new number to callers. The new number shall be provided to callers of the directory assistance operator.~~

~~c. If the number assigned a customer results in wrong number calls sufficient in volume to be a nuisance, the number shall be changed at no charge.~~

~~22.3(12) 22.3(3) Ordering and transferring of service. All local exchange utilities shall establish terms and conditions for ordering and transferring local exchange service.~~

~~22.3(13) Basic local service. Rescinded IAB 12/21/05, effective 1/25/06.~~

~~22.3(14) 22.3(4) Adjacent exchange service. All local exchange utilities shall allow customers to establish adjacent exchange service.~~

~~a. to c. No change.~~

ITEM 5. Amend rule 199—22.4(476) as follows:

199—22.4(476) Customer relations.

22.4(1) Customer information.

a. Each utility shall:

(1) Maintain up-to-date maps, plans, or records of its entire exchange systems system. These maps shall be available for board examination at a location within Iowa during regular office hours and will

be provided to the board upon request. These are not the same maps as the boundary maps described in subrule 22.20(3).

~~(2) Whenever a residential customer or prospective residential customer requests local exchange service from a utility, and the customer indicates a desire to be informed of the lowest priced service alternatives available for local exchange service, the utility shall inform that customer of the lowest priced alternative available from that utility, based only on monthly recurring rates for flat-rated services, at the relevant location. Upon their request, inform residential or prospective residential customers who request local exchange service of the lowest-priced alternative available for local exchange service, based only on monthly recurring rates for flat-rated services at the relevant location.~~

(3) Notify customers affected by a change in rates or schedule classification.

(4) On a monthly basis, track service connection, held order, and service interruption performance by wire centers. Records will be provided upon request of the board and will be retained by the utility for two years.

(5) Keep records on repair intervals for out-of-service trouble reports on voice services. When interruptions in service occur, service restoration priority shall be given to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where service is rendered.

~~(4) (6)~~ Furnish such additional information as the customer may reasonably request.

b. Inquiries for information or complaints to a utility shall be resolved promptly and courteously. Employees who receive customer telephone calls and office visits shall be qualified and trained in screening and resolving complaints, to avoid a preliminary recitation of the entire complaint to employees without ability and authority to act. The employee shall provide identification to the customer.

Unless a customer agrees to an alternative form of notice, local exchange utilities shall notify their customers, by bill insert or notice on the bill form, of the address and telephone number where a utility representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the following statement: "If (utility name) does not resolve your complaint, the service may be subject to state regulation. You may request assistance from the Iowa Utilities Board by writing to Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069, by calling (515)725-7321 or toll-free 1-877-565-4450, or by E-mail to customer@iub.iowa.gov."

The bill insert or notice on the bill will be provided no less than annually. A telephone utility which provides local exchange service and issues an annual directory shall publish the information set forth above in its directory in addition to a mailing.

c. A telephone utility that chooses to no longer provide or distribute a printed directory shall annually inform customers of where they can access a current online directory and that they can still receive current printed directories free of charge upon customer request through a toll-free number.

22.4(2) Customer deposits. Each utility may require from any customer or prospective customer a deposit intended to guarantee payment of bills for service based on the customer's credit history. No deposit other than for local exchange service is required to obtain local exchange service. ~~The deposit must reflect the limits as to low-income customers in 199—subparagraph 39.3(2) "b"(4).~~ Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

a. Deposits for local exchange service shall not be more in amount than the maximum charge for two months of local exchange service, or as may reasonably be required by the utility in cases involving service for short periods of time or special occasions. ~~The deposit amounts must also reflect the limits as to low-income customers in 199—subparagraph 39.3(2) "b"(4).~~ Pursuant to 47 CFR § 54.401(c), utilities may not collect a deposit in order to initiate voice-only Lifeline service to qualifying customers.

b. to i. No change.

22.4(3) to 22.4(8) No change.

ITEM 6. Rescind and reserve rule **199—22.5(476)**.

ITEM 7. Amend rule 199—22.6(476) as follows:

199—22.6(476) Standards of quality of service. ~~The local exchange utility using its facilities to provide primary service will measure its service connection, held order, and service interruption performance monthly according to subrules 22.6(1), 22.6(2), and 22.6(3). Records of the measurements and any summaries thereof, by individual wire centers, will be provided upon request of the board. Records of these measurements will be retained by the utility for two years.~~

22.6(1) Service connection. ~~Each local exchange utility using its facilities to provide providing local exchange service shall make all reasonable efforts to maintain a five-business-day standard for primary the connection of voice service or within by the customer-requested voice service connection date. All reasonable efforts to maintain the above standard shall be measured by the following:~~

~~a. Eighty-five percent of all customers provided service within five business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

~~b. Ninety-five percent of all customers provided service within ten business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

~~c. Ninety-nine percent of all customers shall be provided service within 30 business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.~~

22.6(2) Held orders.

~~a. During such period of time as a local exchange utility using its facilities to provide providing local exchange voice service may not be able to supply primary telephone service to prospective customers within five business days after the date applicant desires service, the telephone utility shall keep a record, by exchanges, showing the name and address of each applicant for service, the date of application, the date that service was requested, and the class of service applied for, together with the reason for the inability to provide new service to the applicant.~~

~~b. When, because of a shortage of facilities, a utility is unable to supply primary telephone voice service on the date requested by applicants the applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the board may require establishment of a priority plan, subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.~~

~~c. When the local exchange utility using its facilities to provide service fails to provide primary local exchange service to any customer requesting service within 15 business days, the local exchange utility shall provide the customer with an alternative form of service until primary local exchange service can be provided. The alternative form of service provided shall be wireless telephone service unless the customer agrees otherwise.~~

~~d. If an alternative form of primary service is provided, the local exchange utility is authorized to charge the customer the regular rates (if applicable) for the alternative primary service ordered, if such rates are less than the regulated rate for primary local exchange service. Otherwise, the customer will be charged the regulated rate for primary local exchange service. Where an alternative form of service is impossible to provide, the facilities-based local exchange utility shall waive all usual installation charges and, once primary local exchange service is provided, shall credit the customer's account in an amount equal to the pro-rata monthly primary local exchange charge for each day service was not provided.~~

22.6(3) Service interruption.

~~a. Each telephone utility using its facilities to provide primary providing local exchange voice service shall make all reasonable efforts to prevent interruptions of service. When interruptions are reported or found by the utility to occur, the utility shall reestablish service with the shortest possible delay. Priority shall be given to services which are essential to public health and safety and to a residential customer who states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family, or any permanent resident of the premises where~~

service is rendered. All reasonable efforts shall be measured by the following: Ninety-nine percent of all out-of-service trouble reports shall be cleared within 72 hours.

~~(1) Eighty-five percent of all out-of-service trouble reports cleared within 24 hours. Compliance will be measured based on a three-month rolling average.~~

~~(2) Ninety-five percent of all out-of-service trouble reports cleared within 48 hours. Compliance will be measured based on a three-month rolling average.~~

~~(3) One hundred percent of all out-of-service trouble reports cleared within 72 hours.~~

~~(4) The response time for all utilities responsible to test and attempt to correct any interexchange trunk problem, except a total outage, shall be within 24 hours after the problem is reported. If the problem is not corrected within that time, the utility responsible for doing so shall keep all other affected telephone utilities advised as to the current status on a daily basis. For a total outage, the response time shall be immediate.~~

~~b. Arrangements shall be made to have adequate personnel and equipment available to receive and record trouble reports and also to clear trouble of an emergency nature at all times.~~

~~c. Calls directed to the published telephone numbers for service repair or the business offices of the telephone utility shall be acknowledge within 20 seconds for 85 percent of all such calls and within 40 seconds for 100 percent of all such calls.~~

~~d. If a customer's service must be interrupted due to maintenance, the utility shall notify the affected customer, in advance, if possible. The company shall perform the work to minimize inconvenience to the customer and strive to avoid interruptions when there is conversation on the line.~~

~~e. b. Each telephone utility shall keep a written record showing all interruptions affecting service in a major portion of an exchange area for a minimum of six two years. This record shall show the date, time, duration, time cleared and extent and cause of the interruption. This record shall be available to the board upon request.~~

~~f. Whenever a trouble report is received, a record shall be made by the company and if repeated within a 30-day period by the same customer, the case shall be referred to an individual for permanent correction.~~

~~g. When a customer's service is reported or is found to be out of order, it shall be restored as promptly as possible.~~

~~h. Each local exchange utility using its facilities to provide service shall maintain its network to reasonably minimize customer trouble reports. The rate of customer trouble reports on the company side of the demarcation point will not exceed four per 100 access lines per month per wire center.~~

~~i. c. When a subscriber's service is interrupted and remains out of service for more than 24 consecutive hours after being reported to the local exchange company or being found by the company to be out of order, whichever occurs first, the company shall make appropriate adjustments to the subscriber's account. This rule requirement does not apply if the outage occurs as a result of:~~

- ~~(1) A negligent or willful act on the part of the subscriber;~~
- ~~(2) A malfunction of subscriber-owned telephone equipment;~~
- ~~(3) Disasters or acts of God; or~~
- ~~(4) The inability of the company to gain access to the subscriber's premises.~~

The adjustment, either a direct payment or a bill credit, shall be the proportionate part of the monthly charges for all services and facilities rendered inoperative during the interruption. The adjustment shall begin with the hour of the report or discovery of the interruption. Adjustments not in dispute shall be rendered within two billing periods after the billing period in which the interruption occurred.

d. When the company fails to restore voice service to any customer within 72 hours after the problem is reported or is found by the company to be out of order, the company shall, at the company's option:

(1) Credit the customer's account in an amount equal to the pro rata monthly local exchange service charge for each 24-hour day service was not provided, or

(2) Directly reimburse the customer in a like amount to be used toward an alternative form of service.

e. The standards within these rules establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during the periods of emergency or of a catastrophe affecting large numbers of customers, nor do they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events.

~~22.6(4) Repair—missed appointments.~~ When a utility makes an appointment for installation or repair within a given range of time, and misses that appointment by over an hour, the customer will receive one month's primary local service free of charge. This is applicable to each missed appointment.

~~22.6(5)~~ **22.6(4)** *Emergency operation.*

a. Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of power service, climate control, sudden and prolonged increases in traffic, illness of operators, or from fire, explosion, water, storm, or acts of God, and each telephone utility shall inform affected employees, at regular intervals not to exceed one year, of procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

b. All central offices shall have adequate provision for emergency power. Each central office shall contain a minimum of two hours of battery reserve. For offices without permanently installed emergency power facilities, there shall be access to a mobile power unit with enough capacity to carry the load which can be delivered on reasonably short notice and which can be readily connected.

c. An auxiliary power unit shall be permanently installed in all toll centers and at all exchanges exceeding 4,000 access lines.

d. ~~b.~~ Each local exchange utility shall maintain and make available for board inspection, upon request, its current plans for emergency operations, including the names and telephone numbers of the local exchange utility's disaster services coordinator and alternates.

~~22.6(6) Business offices.~~

a. Each local exchange utility shall have one or more business offices or customer service centers staffed to provide customer access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and, generally, to act as representatives of the local exchange utility. If one business office serves several exchanges, toll-free calling from those exchanges to that office shall be provided.

b. Upon the closing of any local exchange utility's public business office, the company must provide to the board, in writing, at least 30 days prior to the closing of the office the following information:

- ~~(1) The exchange(s) and communities affected by the closing;~~
- ~~(2) The date of the closing;~~
- ~~(3) A listing of other methods and facility locations available for payment of subscribers' bills in the affected exchanges; and~~
- ~~(4) A listing of other methods and locations available for obtaining public business office services.~~

ITEM 8. Amend rule 199—22.7(476) as follows:

199—22.7(476) Safety Protective measures.

~~22.7(1) Protective measures.~~

a. **22.7(1)** Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers or users and the general public may be subjected.

b. **22.7(2)** The utility shall give reasonable assistance to the board in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

c. **22.7(3)** Each utility shall maintain a summary of all reportable accidents arising from its operations.

~~22.7(2) Safety program.~~ Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

~~b. Instruct employees in safe methods of performing their work.~~
~~c. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.~~

ITEM 9. Rescind and reserve rule **199—22.8(476)**.

ITEM 10. Rescind and reserve rule **199—22.9(476)**.

ITEM 11. Rescind and reserve rule **199—22.10(476)**.

ITEM 12. Rescind and reserve rule **199—22.11(476)**.

ITEM 13. Amend subparagraph **22.14(2)“d”(1)** as follows:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for the originating segments of the communication unless a lower rate is required by the transitional intrastate access service reductions or if numbered paragraphs “1” and “2” are applicable. The carrier common line charge shall be assessed to exchange access made by an interexchange telephone utility, including resale carriers. In lieu of this charge, interconnected private systems shall pay for access as provided in 22.14(1) “b.”

1. Incumbent local exchange carrier intrastate access service tariffs shall include the carrier common line charges approved by the board.

2. A competitive local exchange carrier that concurs in or mirrors the rates in the access services tariff of the Iowa Communications Alliance, or its successor, shall deduct the originating and terminating carrier common line charge charges from its intrastate access service tariff.

ITEM 14. Amend subrule 22.14(4) as follows:

22.14(4) Notice of intrastate access service tariffs.

a. Each telephone utility that files new or changed tariffs relating to access charges; ~~or access service, or the recording function associated with billing and collection for access services~~ shall give written notice of the new or changed tariffs to the utility’s interexchange utility access customers, the board, and the consumer advocate. Notice shall be given on or before the date of the filing of the tariff. The notice shall consist of: the file date, the proposed effective date, a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange utilities concur in a single tariff filing, the local exchange utilities may send a joint written notice to the board, consumer advocate, and the interexchange utilities.

b. No change.

ITEM 15. Amend subrule 22.17(1) as follows:

22.17(1) Any landlord, owner, tenant association, or otherwise affiliated group shall be permitted to provide communications services within or between one or more buildings with a community of interest. The provision of this service will be treated as a deregulated service, if the following requirements are met:

a. No person within a building or facility providing resale services shall be denied access to the local exchange carrier. The local exchange carrier shall provide service ~~at normal tariffed rates~~ to the point of demarcation. The end-user shall be responsible for service beyond that point. However, no person shall unreasonably inhibit the end-user’s access to the local exchange carrier.

~~b. Telephone rates charged to resale providers of communications services under this rule shall be made on the same basis as business service.~~

~~c. b.~~ “Community of interest” will normally be indicated by joint or common ownership, but any other relevant factors may be considered.

ITEM 16. Amend subrule 22.20(1) as follows:

22.20(1) *Issuance of certificates of authority to utilities on or prior to September 30, 1992.* The initial nonexclusive certificate of authority will be issued by the board on or before September 30, 1992, to each land-line telephone utility providing local telecommunications service in Iowa. The certificate will authorize service within the territory as shown by boundary maps in effect on January 1, 1992, but will reference and include modifications approved by the board prior to the issuance of the certificate.

~~The certificate will be in the form of an order issued by the board and may be modified only by subsequent board orders.~~

If a utility disputes the boundary identified in the January 1, 1992, maps or in a certificate, it may file an objection with the board. After notice to interested persons and an opportunity for hearing, the board will determine the boundary.

ITEM 17. Amend subrule 22.20(2) as follows:

22.20(2) Procedures to revise maps and modify certificates. All territory in the state shall be served by a local exchange utility and inappropriate overlaps of service territories are to be avoided.

a. No change.

b. The boundary filing must include the name of each affected customer and justification for the proposed boundary, including a detailed statement of why the proposal is in the public interest. Prior to filing with the board, the serving utilities must notify interested persons of a convenient location where they can view the current and proposed maps, or copies of the maps covering their location must be mailed to them. The notice shall state the nature of the boundary filing and that any objections must be filed with the board through its electronic filing system or mailed to the board postmarked within 14 days of the mailing of the notice by the utility. The utility's filing shall also include a copy of the notice and the date on which the notice was mailed to customers.

c. No change.

d. If the utilities cannot agree on the boundary, or if an interested person timely files in the board's electronic filing system or mails material objections to the proposed boundary, the board will resolve the issues in contested case proceedings to revise the maps and modify the certificates after notice of the proceedings to all affected utilities and interested persons.

e. and f. No change.

ITEM 18. Amend paragraph **22.20(3)“a”** as follows:

a. ~~If a utility files~~ The scale of a paper boundary map, the map shall be on a scale of one inch to the mile. If a utility files a boundary map in an electronic format, the relevant scale shall be noted in the filing. Any revisions to a utility's boundary map shall be filed in an electronic format. Boundary maps shall include information equivalent to the county maps which are available from the Iowa department of transportation, showing all roads, railroads, waterways, plus township and range lines outside the municipalities. A larger scale shall be used where necessary to clarify areas. All map details shall be clean-cut and readable.

(1) to (4) No change.

ITEM 19. Rescind and reserve rule **199—22.21(476)**.

ITEM 20. Amend subrule 22.23(2) as follows:

22.23(2) Prohibition of unauthorized changes in telecommunications service. Unauthorized changes in telecommunications service, including but not limited to cramming and slamming, are prohibited.

a. *Verification required.* No service provider shall submit a preferred carrier change order or other change in service order to another service provider unless and until the change has first been confirmed in accordance with one of the following procedures:

(1) to (3) No change.

(4) The local service provider may change the preferred service provider, for customer-originated changes to existing accounts only, through maintenance of sufficient internal records to establish a valid customer request for the change in service. At a minimum, any such internal records must include the date and time of the customer's request and adequate verification of the identification of the person requesting the change in service. The burden will be on the telecommunications carrier to show that its internal records are adequate to verify the customer's request for the change in service.

All verifications shall be maintained for at least two years from the date the change in service is implemented, and all complaints regarding a change in preferred service provider must be brought within

two years of the date the change in service is implemented. Verification of service freezes shall be maintained for as long as the preferred carrier freeze is in effect.

(5) No change.

b. Letter of agency form and content.

(1) No change.

(2) The letter of agency shall be a separate document (or an easily separable document) containing or located on a separate screen or Web page and contain only the authorizing language described in subparagraph (5) below having the sole purpose of authorizing a service provider to initiate a preferred service provider change. The letter of agency must be signed and dated by the customer to the telephone line(s) requesting the preferred service provider change. A local exchange carrier may use a written or electronically signed letter of agency to obtain authorization or verification of a subscriber's request to change service.

(3) The letter of agency shall not be combined on the same document, screen, or Web page with inducements of any kind.

(4) to (8) No change.

c. No change.

d. Preferred carrier freezes.

(1) to (3) No change.

(4) Solicitation and imposition of preferred service provider freezes.

1. No change.

2. No local exchange carrier shall implement a preferred service provider freeze unless the customer's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

- The local exchange carrier has obtained the customer's written ~~and~~ or electronically signed authorization in a form that meets the requirements of 22.23(2) "d"(4)"3"; or

- The local exchange carrier has obtained the customer's electronic authorization, placed from the telephone number(s) on which the preferred service provider freeze is to be imposed, to impose a preferred service provider freeze. The electronic authorization shall confirm appropriate verification data and the information required in 22.23(2) "d"(4)"3." Service providers electing to confirm preferred service provider freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit, or similar mechanism that records the required information regarding the preferred service provider freeze request, including automatically recording the originating automatic numbering identification; or

- An appropriately qualified independent third party has obtained the customer's oral authorization to submit the preferred service provider freeze and confirmed the appropriate verification data and the information required in 22.23(2) "d"(4)"3." The independent third party must not be owned, managed, or directly controlled by the service provider or the service provider's marketing agent; must not have any financial incentive to confirm preferred service provider freeze requests for the service provider or the service provider's marketing agent; and must operate in a location physically separate from the service provider or the service provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred service provider freeze.

3. No change.

(5) All local exchange service providers who offer preferred service provider freezes must, at a minimum, offer customers the following procedures for lifting a preferred service provider freeze:

1. A local exchange service provider administering a preferred service provider freeze must accept a customer's written ~~and~~ or electronically signed authorization stating the intention to lift a preferred service provider freeze; and

2. No change.

e. No change.

ITEM 21. Amend paragraph **22.23(5)“c”** as follows:

c. Collection. A civil penalty collected pursuant to this subrule shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the ~~general~~ revolving fund of the state and to be used only for consumer education programs administered by the board.

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